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By ECF and Email

The Honorable Richard J. Sullivan
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, New York, NY 10007
Email: sullivanNYSdchambers@nysd.uscourts.gov

Re: Liu v. The New York City Campaign Finance Board, No. 14-cv-01687

Dear Judge Sullivan:

We represent the Plaintiffs in this matter. We write to alert the Court to a recent Second Circuit decision that is relevant to the pending motion in this case.

The Second Circuit expounded on the voluntary cessation doctrine in its decision this week in *MHANY Mgmt., Inc. v. City of Nassau*, --- F.3d ---, 2016 WL 1128424 (2d Cir. Mar. 23, 2016), a fair housing case. The Court rejected the governmental defendants' claim that the plaintiffs' suit was moot, finding that the defendants had not met their "formidable burden" to show that it was "absolutely clear" their challenged conduct would not recur. *Id.* at *17. While acknowledging that government entities are entitled to some deference in asserting permanent voluntary cessation, the Court held that "some deference does not equal unquestioned acceptance." *Id.* The Court relied on the "suspicious timing and circumstances" of the defendants' alleged change of course—which, as here, "appear[ed] to track the development of this litigation," *id.*—in holding that the case was not moot. This decision is directly relevant to the motion for judgment on the pleadings on mootness grounds currently before the Court.

Respectfully submitted,

/s/

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David A. Lebowitz

c. Corporation Counsel (*via ECF*)